

**COUNTY COUNCIL**

**OF**

**TALBOT COUNTY**

2010 Legislative Session, Legislative Day No. July 13, 2010

Resolution No. 172

Introduced by: Mr. Harrison, Mr. Pack

**A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN (THE “PLAN”) THAT WILL RE-CLASSIFY PROPERTY LOCATED AT 27748 ST. MICHAELS ROAD, MD. RT. 33, EASTON, MARYLAND, GENERALLY KNOWN AS “CARROLL’S MARKET,” TAX MAP 34, PARCEL 301, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE “PROPERTY”) FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” (IMMEDIATE PRIORITY STATUS), TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE “PLANT”), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY**  
*(Carroll’s Market, Route 33)*

By the Council: July 13, 2010

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 10, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: \_\_\_\_\_  
Susan W. Moran, Secretary

**A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN (THE “PLAN”) THAT WILL RE-CLASSIFY PROPERTY LOCATED AT 27748 ST. MICHAELS ROAD, MD. RT. 33, EASTON, MARYLAND, GENERALLY KNOWN AS “CARROLL’S MARKET,” TAX MAP 34, PARCEL 301, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE “PROPERTY”) FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” (IMMEDIATE PRIORITY STATUS), TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE “PLANT”), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY**  
*(Carroll’s Market, Route 33)*

1 **WHEREAS**, the owner of 27748 St. Michaels Road, Md. Rt. 33, Easton, Maryland, Tax Map  
2 34, Parcel 301, first election district, Talbot County, Maryland, generally known as  
3 “Carroll’s Market,” (the “Property”), has requested the County to extend sewer service from  
4 the Region II Wastewater Treatment Plant (the “Plant”) to the Property; and,  
5

6 **WHEREAS**, the Talbot County Health Department, Office of Environmental Health, has  
7 conducted an investigation of the Property to determine the current condition of the existing  
8 on-site septic system; and,  
9

10 **WHEREAS**, the Department of Public Works has processed the owners’ request to extend  
11 sewer service to the Property in accordance with Chapter III, Amendment Procedures, of the  
12 Talbot County Comprehensive Water and Sewerage Plan (the “Plan”) and the sewer service  
13 designations of the St. Michaels Wastewater System and the Region I (Unionville, Tunis Mill  
14 and Copperville) Wastewater System; and,  
15

16 **WHEREAS**, on November 13, 1993, the County Council adopted a Resolution concerning  
17 access to the low-pressure collection system from Unionville, Tunis Mills, and Copperville to  
18 the Plant, which remains in effect and is applicable to this application.  
19

20 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as  
21 follows:  
22

23 **Section 1.** Upon introduction of this Resolution, a public hearing will be scheduled and  
24 advertised in a newspaper of general circulation in Talbot County advising the public of the  
25 date, time, place, and purpose of the public hearing, at which time this application will be  
26 open for receipt and consideration of public comment.  
27

28 **Section 2.** In accordance with the requirements of Environment Article § 9-506(a)(1), Md.  
29 Ann. Code, the proposed amendment shall be submitted to the Talbot County Planning

Commission and the Talbot County Public Works Advisory Board for review and comment, within a 30 day period, for consistency with planning programs for the area. Pursuant to the requirements set forth in the above State statute, before the County Council may adopt the proposed amendment the Talbot County Planning Commission must first certify that the amendment is consistent with the County Comprehensive Plan prepared under Article 25A, §5 (X), Md. Ann. Code.

**Section 3.** Upon conclusion of the public hearing(s), closing of the public record, receipt and consideration of certifications and recommendations from the Planning Commission and Public Works Advisory Board, the County Council will discuss the merits of the application, approve findings of fact and conclusions of law, and decide to approve or disapprove the proposed amendment.

**Section 4.** The proposed amendment is as follows:

1. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to reclassify 27748 St. Michaels Road, Md. Rt. 33, Easton, Maryland, generally known as “Carroll’s Market,” Tax Map 34, Parcel 301, first election district, Talbot County, Maryland, from “Unprogrammed” to “S-1”, (Immediate Priority Status);
2. Sewer service for the Property as proposed by the amendment has been found to comply with the current Sewer Service Allocation Policy for Region I, Unionville, Tunis Mills, and Copperville.
3. Sewer service for the Property as proposed by the amendment has been found to comply with the Resolution adopted by the County Council on November 13, 1993 concerning access to the low-pressure collection system from Unionville, Tunis Mills, and Copperville to the Plant.
4. The peak flow sewer allocation for the Property shall be limited to a maximum of 300 gallons per day based on 185 gallons per day per equivalent dwelling unit, and actual flows may not exceed 300 gallons per day. The remaining capacity for Region I, Unionville, Tunis Mills, and Copperville, shall be reduced from 5,900 to 5,600 gallons per day.
5. The sewer extension and allocation of capacity to the Property shall be restricted to serve only the Property as defined by existing boundaries, only existing structures as currently sized, and only existing uses on the Property as of the date of adoption of this Resolution, namely a gas station, deli, and convenience store. The sewer extension and allocation shall not be used to enlarge, expand, or intensify these existing structures or uses without an amendment of this Resolution duly approved by the County Council. Adoption of this Resolution shall not excuse, modify, or supersede requirements for current and ongoing compliance with all applicable federal, State, and local statutes, ordinances, or regulations, including issuance of all required permits and approvals for connection of the Property to the Plant.

- 71 6. This Resolution shall make no sewer service available to any area beyond the existing  
72 boundaries of the Property. No other property, lot, or parcel, including any  
73 reconfiguration or recombination of the Property, shall be entitled to service or  
74 capacity under this Resolution.
- 75 7. The Property Owner shall be solely responsible for and shall pay for all design,  
76 engineering, construction, maintenance, and repair costs of the line and any  
77 appurtenant equipment required to connect into the County-owned force main. The  
78 design shall be subject to review and approval by the County Engineer, shall be  
79 consistent with reasonable commercial standards for similar installations, and shall  
80 include a duplex pumping operation and other features, components, and materials as  
81 the County Engineer or his designee may reasonably require.
- 82 8. The Property Owner shall be solely responsible for and shall pay all remediation,  
83 mitigation, damages, or other costs, charges, fines or penalties required to address any  
84 environmental damage or harm resulting from the connection, installation, or future  
85 use of infrastructure authorized by this Resolution.
- 86 9. The Property Owner shall construct and continuously maintain in good operating  
87 condition an in-ground grease trap that shall be pumped out at least once every three  
88 months, at a minimum, or more often as necessary to prevent inflow, deposit, or  
89 accumulation of grease into the Plant's collection system.
- 90 10. The Property Owner shall pay a connection fee of Twenty Seven Thousand Dollars  
91 (\$27,000) to the Talbot County Sanitary District (the "District"), before commencing  
92 construction to connect the Property to the Plant. The connection shall be subject to  
93 periodic charges, tariffs, and policies as may be adopted from time to time by the  
94 County or the District.
- 95 11. The terms and conditions set forth in this Resolution shall run with and bind the  
96 Property, the Property Owners, their heirs, personal representatives, successors, and  
97 assigns. These terms and conditions shall be incorporated into an appropriate  
98 agreement or declaration of restrictive covenants, in form and content acceptable to  
99 the County, to include provisions for enforcement and remedies upon default for the  
100 benefit of the County, to be executed by the Property Owners and recorded among the  
101 land records of Talbot County within sixty (60) days from the date of the approval of  
102 this Resolution.
- 103 12. Adoption of this amendment to the Plan authorizes the Property Owner to construct  
104 the necessary improvements and infrastructure to connect the Property to the Plant in  
105 accordance with and subject to the terms of this Resolution and compliance with  
106 applicable design and technical requirements, rules, and regulations of all local, state,  
107 and federal authorities.

110 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its  
111 date of passage.

**PUBLIC HEARING**

**Resolution No.**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. \_\_\_\_\_having been published, a public hearing was held on in the Bradley Meeting Room, South Wing, Courthouse, 11 North Washington Street, Easton, Maryland on \_\_\_\_\_.

**BY THE COUNCIL**

Read the second time:

Enacted: \_\_\_\_\_

By Order: \_\_\_\_\_  
Secretary

Harrison -

Pack -

Duncan -

Foster -

Bartlett -